

REMARKS:

The Office action mailed March 17, 2005 has been received and carefully considered. Reconsideration of the application as amended hereby is respectfully requested.

Claims 1 to 3, 5, 6, and 10 to 18 were rejected as obvious in view of Matsui, et al. The Matsui reference is especially directed to production of hydroperoxides from tertiary hydrocarbons although it also discusses secondary hydrocarbons. It is well understood by those having skill in the art that the Matsui process is limited in scope. In particular, when the Matsui process is used with secondary hydrocarbons, the yield is low.

In applicant's process, the reaction temperature is raised and a basic compound (alkaline metal compound) is required (Matsui does not require such) in order to produce a higher yield when working with secondary hydrocarbons and a significant yield when working with primary hydrocarbons. Claim 1 has been amended to more specifically point out the reaction temperature range as being in the range between 130° and 160°C.

The temperature of reaction of most of the examples in Matsui is 105°C and the range of the process in Matsui is from 50° to 105°C. Consequently, it is urged that the presently claimed temperature range in conjunction with the other elements of Claim 1 distinguish over the art of record.

It is further noted that it would not be obvious to one having skill in the art that raising the temperature would effect the process in a positive manner, as it is well known that raising a reaction temperature can disrupt or even completely destroy the effectiveness of the catalyst. In the present invention, the alkaline metal compound is required in conjunction with the higher temperature to assure effectiveness of the catalyst.

It is also not obvious from Matsui that the claimed invention would increase the yield with respect to secondary hydrocarbons and produce a useful yield with primary hydrocarbons. It is believed that the temperature change in conjunction with the basic compound produces a different reaction path in the present invention which is not seen in and that is not obvious to one having skill in the art, when reviewing the Matsui process.

The Examiner's objections to Claim 11 is not understood. The limitation in Claim 10 is to cyclic imide whereas the limitation in Claim 11 is to alkaline metal compound.

Claims 12 and 14 were found to be redundant. Claim 12 has been amended to call for a different range of alkaline metal compound in comparison to Claim 11.

Claim 14 has been deleted.

The misspelling noted in Claim 15 has been corrected.

Claim 19 has been added and is directed to the process of the invention using primary hydrocarbons as a starting point. As the Matsui patent makes no teachings with respect to primaries and as it is known among those with skill in the art that the Matsui process is ineffective with respect to primaries, this claim is urged to also be allowable.

In view of the above, it is urged that all pending claims are allowable and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



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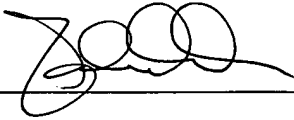
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Pilar de Frutos Escrig, et al.  
(Applicant)

By



July 18, 2005

(Date of Signature)